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In re Application of	:	
GALAN I LLANGUERAS	:	
Application No.: 10/540,429	:	DECISION ON
PCT No.: PCT/ES03/00655	:	
Int. Filing Date: 23 December 2003	:	PETITION UNDER
Priority Date: 23 December 2002	:	
Attorney Docket No.: 26740-000/MXM	:	37 CFR 1.137(b)
For: FLUID SPINNING SYSTEM	:	

This decision is in response to applicants' submission filed 07 July 2005.

BACKGROUND

On 23 December 2003, applicants filed international application PCT/ES03/00655 which designated the U.S. and claimed a priority date of 23 December 2002. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 08 July 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 23 June 2005.

On 07 July 2005, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, an assertion of small entity status, a declaration of inventors, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicants submitted the basic national fee on 07 July 2005.

As to item (2), applicants submitted the petition fee on 07 July 2005.

As to item (3), the requisite statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Declaration of Inventors

The declaration of inventors filed 07 July 2005 is not in compliance with 37 CFR 1.497(a)-(b). First, there is a difference in names in the named inventor between the published international application (Albert GALAN I LLANGUERAS) and the declaration of inventors (Albert GALAN I LLONGUERAS). It is not clear if there was a typographical or transliteration error in the first name of the inventor as indicated in the international application or declaration (an acceptable explanation would be required), or if the inventor has changed his name (a petition under 37 CFR 1.182 (see MPEP § 605.04(c))) would be required, or if a change of inventorship is being made from the inventorship of the application as indicated in the international application (a petition under 37 CFR 1.497(d) would be required). Second, the declaration is not executed.


CONCLUSION

The petition under 37 CFR 1.137(b) is GRANTED for the reasons set forth above.

Applicant is hereby given the time limit of TWO (2) MONTHS from the mail date of this communication in order to file a proper response. Regarding the name of Mr. Kwon, a proper response would be a new oath(s) or declaration(s) properly identifying the inventor and signed by the inventor, or an acceptable explanation of any typographical or transliteration error in the middle name of the inventor as indicated in the international application if this is the case, or a petition under 37 CFR 1.182 (see MPEP § 605.04(c))) if the inventor has changed his name, or a petition under 37 CFR 1.497(d) if a change of inventorship is being made from the inventorship of the application as indicated in the international application. The surcharge under 37 CFR 1.492(e) for providing the declaration later than thirty months from the priority date is also required. Extensions of time under 37 CFR 1.136(a) are available.

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.


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PCT Legal Affairs

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